

**Express Mail Label No.: EV 386942320 US**

**Practitioner's Docket No. 3755.002**  
Customer No.: 24040

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Patrick W. Bartlett  
Serial No.: 10/611,691  
Date Filed: July 1, 2003 File No.: 3755.002  
Title: DEVICE FOR PREVENTING ENTRY OF AN LA: AM2  
UNLEADED GAS FILL NOZZLE IN A  
DIESEL FUEL FILLER NECK

**Mail Stop: Amendment (NO FEE)**  
**Commissioner for Patents**  
**P O Box 1450**  
**Alexandria VA 22313-1450**

**TRANSMITTAL RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR 121**

1. Transmitted herewith is a response to restriction requirement under 37 C.F.R. 121 for this application.

**STATUS**

2. Applicant is a small entity.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

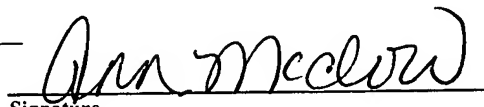
I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

\_\_\_\_\_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231  
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10\*  
\_\_\_\_\_ with sufficient postage as first class mail. XXX as "Express Mail Post Office to Addressee"  
Express Mail Label No.: EV 386942320 US

**TRANSMISSION**

\_\_\_\_\_ facsimile transmitted to the Patent and Trademark Office, \_\_\_\_\_

  
Signature

Date: October 15, 2004

Ann McClow

*(type or print name of person certifying)*

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### EXTENSION OF TERM

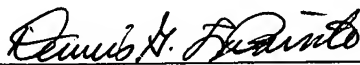
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE DEFICIENCY

4. If any additional extension and/or fee is required, charge Account No. 13-1992.
- If any additional fee for claims is required, charge Account No. 13-1992.

Date: 10/15/04

Reg. No.: 40693  
Tel. No.: 727.538.3800  
Customer No.: 24040

  
\_\_\_\_\_  
Signature of Practitioner  
Dennis G. LaPointe  
Mason Law, P.A.  
17757 U.S. Hwy 19 N.  
Suite 500  
Clearwater, FL 33764

10-18-04

Ifw



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**PATENT**

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No.:

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**Alexandria VA 22313-1450**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EV 386942320 US

Date of Deposit: October 15, 2004

I hereby state that the following *attached* paper or fee

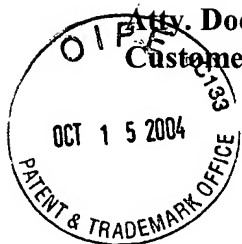
- Response to Restriction Requirement
- Transmittal Response to Restriction Requirement
- Express Mail Certificate
- Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Ann McClow

**Signature of person mailing paper or fee**

3755c002.Response to RR 101504.doc



Atty. Docket: 3755.002

Customer No.: 24040

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. W. Bartlett )  
)  
S.N.: 10/611,691 ) Examiner: J. C. Jacyna  
)  
Filed: July 1, 2003 ) Art Unit: 3751  
)  
For: DEVICE FOR PREVENTING )  
ENTRY OF AN UNLEADED )  
GAS FILL NOZZLE IN A )  
DIESEL FUEL FILLER NECK )  
\_\_\_\_\_ )

Certificate of Express Mail Under 37 C.F.R. 1.10

"Express Mail" mailing label number: EV 386942320 US

Date of Deposit: October 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in cursive script, reading "Ann McClow".

Ann McClow, Legal Assistant

Box Non-Fee Amendment  
Commissioner for Patents

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

The Office Action Summary, mailed September 30, 2004, having a shortened statutory period for response set to expire October 30, 2004, requires restriction to one of the following alleged patentably distinct species of the claimed invention under 35 U.S.C. §121:

- I. Fig. 2a;
- II. Fig. 2b;
- III. Fig. 2c;
- IV. Fig. 2e; and
- V. Fig. 4.

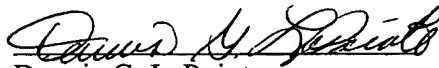
Applicant elects without traverse Group 3, Fig. 2c.

Applicant believes claims 1, 2, 5, 7-17, 20 and 22-25 read thereon.

Applicant also elects with the understanding that should future divisional applications be filed to prosecute the non-elected species and any remaining claims, Applicant will not be presented with a double-patenting rejection for the claims readable on the non-elected species.

Very respectfully,

Dated: 10/15/04

  
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Registration No. 40,693